

# En Banc

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## Newsletter of the Superior Court Law Library

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### Law Library News

#### ❑ New Services

In the last newsletter we told you about all the new books the Library has purchased. Since then we've added even more. In fact, the *New Books* shelf on the plaza level has expanded to the old Circulation Desk. If you can't keep up with all the new titles, we have set up two bulletin board displays to help.

On the third floor next to the *Court Informer* display, you'll find the jackets of some recently received books. They are labeled with call numbers to make them easier to find. The third floor display is for books located on that floor. On the second floor in Study Room 223 you'll find book jackets displayed for new books located on that floor.

While book jackets provide protection for books and serve as a "sales tool," they are also a "partly evaluative representation" of a book. In a recent study conducted in an academic library, it was shown that book jackets "provide a significant means for the scholarly searcher to reduce time and to make informed selections, providing topical information and significant clues as to linguistic, conceptual, and critical suitability." O'Connor, Brian and Mary O'Connor. "Book Jacket as Access Mechanism: An Attribute Rich Resource for Functional Access to Academic Books." *first monday*, v.3, no.9 (September 7, 1998) [www.firstmonday.dk/issues/issue3\\_9/o'connor/](http://www.firstmonday.dk/issues/issue3_9/o'connor/) So for all you scholars, the displays should improve accessibility to our

collection and help reduce your search time for locating a book on a given topic.

We also have two suggestion boxes - one on the second floor on the counter near the elevator and the other on the plaza level on the far end of the *Information Desk* - if you'd like us to consider adding a particular book.

#### ❑ Domestic Violence Necessities Drive

*The County Bar's Young Lawyers Division Domestic Violence Committee* is kicking off its *Seventh Annual Necessities Drive*. This "life's basic needs" program continues to grow each year thanks to your contributions.

Your donations help victims of domestic violence by supplying them with the basic necessities needed to go out and live on their own. The committee will collect and distribute soap, shampoo, toothpaste, deodorant, household cleaning supplies, diapers, toys, children's socks and underwear, plus school supplies.

A drop-off box is located on the plaza level of the Law Library ready to be filled up. The Law Library will be taking the donations to the distribution center on October 23.

### En Banc

Newsletter of the  
Superior Court Law Library

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## □ Library Staff

Karen Anderson has joined our staff on October 19 as a Reference Librarian. Karen was born in Germany, and grew up in Minnesota and North Dakota. She majored in history at St. Olaf College in Minnesota and worked in journalism and advertising before earning her MLS at San Jose State University.

Her previous reference experience comes from Whitman College in the state of Washington and at ASU West. She has lived in the Phoenix area for about two years and is anxious to explore the state. She has already planned her next trip which will include seeing the Four Corners area or the North Rim of the Grand Canyon.

Please stop by the Reference Desk and welcome her to the Library.

In addition to Karen, we would also like to introduce Don Herold. Don was hired to work at the Southeast Branch. His role will serve a dual purpose - to assist the Self-Service Center and the Law Library.

Don is a native of Arizona who enjoys golfing and snowboarding. He worked for several years at a valley law firm before earning a teaching degree from Ottawa University. Before accepting this position, he was a high school history teacher in Scottsdale.

## □ Continuing Legal Education

*Legal Research Over the Internet: Advanced Workshop* will be presented on October 14, November 18 and again on December 9 at ASU Downtown in the Mercado. The *Arizona Association of Law Libraries* co-sponsors this State Bar seminar and encourages those who have already attended the *Hands-On Workshop for Using the Internet in Your Practice* to sign up for this one.

It's suggested that you have some

familiarity with Internet Explorer or Netscape Navigator, FTP, URLs, Telnet, listservs and newsgroups.

The presenters will teach you to use search engines to streamline your Internet research; identify and evaluate those sites and how to determine when using the Internet is the most appropriate option. This three hour seminar may qualify for up to three hours ethics credit.

The *Ethics of Fees* will provide you with the latest information on fees as they apply to agreements, collections and arbitration. Attend this CLE seminar on November 6 from 9-5 in the Wrigley Conference Center and you'll qualify for up to 6 hours of ethics credit.

Among other things, you will learn about the ethical requirements for fee agreements including file retention policies; how to collect on overdue accounts; and how the State Bar's Fee Arbitration Program works.

The six-member faculty will discuss recent cases involving non-refundable fees, referral fees and fee recovery in a terminated lawyer-client relationship.

Contact the State Bar or check out their web site at [www.azbar.org/CLE](http://www.azbar.org/CLE) for more information on either of these upcoming seminars.

## Superior Court Update

There are some new faces and new assignments on the Superior Court bench. First, Edward W. Bassett joined the Court as a Commissioner taking on a probate calendar. You'll find him in the Old Courthouse in Suite 001.

Edward W. Bassett was born in New York and grew up in Tucson. He graduated from the University of Arizona in 1977 and worked for three years as a newspaper reporter in Tucson.

He graduated from Columbia Law School and then spent four years in civil litigation in Seattle. Since that time, he has worked as a Deputy Maricopa County Public Defender and as a staff attorney at Division One of the Arizona Court of Appeals.

He has also served as a pro tem judge and commissioner in the criminal and juvenile departments.

Commissioner Bassett is married to Nora Greer, a Deputy Public Defender. They have two children: Pierce, 7, and Sean, 5.

Says our newest commissioner, "I enjoy my assignment in probate and mental health. It is a new and interesting area of the law for me. It is also exciting to see real people and work with real problems on a daily basis."

The Court's newest judge is Robert Oberbillig. His office is in the Southeast Court where he has assumed the calendar of Judge Scott. Judge Scott has moved to Juvenile Court to take over the calendar of Judge Anderson who was appointed to the U. S. District Court.

Judge Oberbillig graduated from the University of Iowa Law School in 1982 and joined the law firm of Snell & Wilmer. He had a civil trial practice in medical malpractice, personal injury, commercial defense and ADR. Judge Oberbillig is married and has 3 daughters ages 9, 7, and 3 months. His wife, Suzanne, is a paralegal with the Attorney General's office.

Judge Oberbillig says, "I wanted to be a judge for a number of reasons, including the strong desire to serve the community. I am enjoying the job immensely. I no longer have to win. Going to work every day with the desire to be fair is a nice attitude to carry around. I hope I come to wear such an attitude well."

## □ Did You Know?

Find out how much you actually know about United States Supreme Court Justices.

1. From what state have more Justices come than any other?
2. What Justice was once expelled from the bar?
3. Who was the first to wear trousers beneath his Supreme Court robe?
4. Who was the only Justice to be impeached?
5. What Justice was known for playing Trivial Pursuit on the bench?
6. About what Justice did Theodore Roosevelt complain that he could find more backbone in a banana?

Headnotes arranged vertically make a digest. Headnotes arranged horizontally make a textbook. Textbooks arranged alphabetically make an encyclopedia. Every few years some investigator has to disintegrate one of these works into its constituent atoms, add some more headnotes from recent decisions, stir well, and give us the latest book on the subject. And so law libraries grow.

Shapiro, Fred R. *The Oxford Dictionary of American Legal Quotations*.

## Electronic Resources

### ❑ Network Resources

We have made a few changes to our selection of network resources. Both *LegalTrac* and *ComputerSelect* are now available in their web versions, rather than the previous CD-ROM versions. *LegalTrac's* index of over 800 legal publications and law-related articles from over 1,000 business and general publications is available in the Library and from and court or county government computer with access to the web. *ComputerSelect* contains full text articles, company profiles, product specifications and other technology information, and is available both within the Library and from the web, at:

[www.maricopa.gov/lawlibrary/Online.asp](http://www.maricopa.gov/lawlibrary/Online.asp)

Our U.S. Supreme Court decisions and California statutes CDs have also recently been changed from the Folio-based versions to West's *Premise* software versions. This change allows for hyperlinking between these databases and our other *Premise* CDs.

### ❑ Database Review

The Law Library has recently added free access to the web-based *LOIS Electronic Law Library*. LOIS provides access to legal materials from 24 states, including Arizona, Colorado, California (partially completed), Kansas, Nebraska, and Oklahoma. New material is added on a continuous basis. The Arizona section includes case law, statutes, the administrative code, and court rules. On the federal level, *LOIS* provides access to U.S. Supreme Court and circuit court materials, the U.S. Code, and the Code of Federal Regulations. You can link to *LOIS* from our home page, [www.maricopa.gov/lawlibrary](http://www.maricopa.gov/lawlibrary).

Once you reach the site, you will have a choice between *Classic LOIS*, or the new *LOIS Beta* site. Feel free to explore the Beta site, but at this time, the *Classic LOIS* appears to offer quicker and more reliable access. To begin using the database, click on the Members button, and enter a username of: lawlibrary1 (that's a numeral one on the end), and a password of: scil. If you have any questions about using this new service, please contact the Reference Desk.

### ❑ Internet Site Reviews

***Shark Talk: Everybody's Law Dictionary***  
[www.nolo.com/dictionary/wordindex.cfm](http://www.nolo.com/dictionary/wordindex.cfm)

This site, created by *Nolo Press*, gives the layperson a general overview of what various legal terms

mean. Terms are broken down by topic such as marriage and landlord-tenant. You can also search by keywords. The site contains a link to *Nolo's Legal Encyclopedia* which provides more detailed information and features a game called *Shark Talk* that will allow you to test yourself on what you've learned.

### ***Guide to Law Online: Nations of the World***

<http://lcweb2.loc.gov/glin/x-nation.html>

Created by the staff of the Library of Congress, this site contains an annotated list of sources that provide access to free information on the government as well as the laws of most of the nations around the world. Countries are listed in alphabetical order and while there is no search function, the site is easy to navigate. It also has links to information contained in the *World Fact Book* and other U.S. government publications, and provides links to local information about the various countries. This is a good source for anyone who is looking for information on other nations' laws and governments.

### ***Federal Information Center***

<http://fic.info.gov/>

The Federal Information Center was created in 1966 to provide people with a single access point to information about various federal agencies and programs. This web site provides links to materials on topics such as workers compensation, selective service, foreign travel, minimum wage, and consumer issues. The site provides a hotline to a government information specialist. You can browse the site by topic or run a keyword search.

### ❑ Publications of Interest on the Internet

***McAfee, Phillip A.. "Electronic Rule Making: Broadcast List Servers, Hypertext Manuscripts, Proprietary Formats, and Tagged E-mail."***

**(Posted September 1, 1998).**

[www.llrx.com/features/electronic.htm](http://www.llrx.com/features/electronic.htm)

The Internet as a communication tool is becoming more pervasive, both in the private sector and for the government. One of the new ways in which the government is using the Internet is to disseminate information about proposed rule changes. Providing this information to users in electronic format allows interested parties faster access and the ability to comment online. This article explores the use of the Internet as a tool for governmental rulemaking, outlines the pros and cons of the format, and contains a chart comparing how various agencies are using electronic rule making notices.

#### **Covenant Marriages in Arizona**

[www.supreme.state.az.us/dr/covenant.pdf](http://www.supreme.state.az.us/dr/covenant.pdf)

In 1998, the State of Arizona passed a new law allowing covenant marriages. (A.R.S. 25-901, et seq.) The Administrative Office of the Courts has developed a brochure that outlines what a covenant marriage is; discusses how to obtain one; and details the steps needed to obtain a divorce if this kind of marriage is in place. This brochure also explains how to convert an existing marriage into a covenant marriage.

#### **State Bar of Arizona Ethics Opinions**

[www.azbar.org/EthicsOpinions/](http://www.azbar.org/EthicsOpinions/)

The State Bar has recently placed the ethics opinions from 1985 to the present on their web page. Users can search for opinions by keyword or opinion number. To view the document, users will need to have the free adobe acrobat reader which can be obtained by following the link placed on their site. The Rules of Professional Conduct are also available on this page.

#### **The Commission on Structural Alternatives for the Federal Court of Appeals**

<http://app.comm.uscourts.gov/>

This site provides users with access to the draft report of the commissions recommendations on the structure of the Court of Appeals. One section deals in-depth with the 9<sup>th</sup> circuit and describes the commissions suggestions on how this circuit could be better organized. The report also contains a history of the Court of Appeals and outlines the dissenting views of some of the panel members. Readers may comment on the commission's recommendations by sending e-mail or filling out the web based comment form. All comments will be placed on the web site for review.

### **New Materials in the Library**

#### **❑ Book Reviews**

**Sipe, Beth. *I Am Not Your Victim: Anatomy of Domestic Violence*. Sage Series on Violence Against Women, 1996. HV6626 .S57 1996**

Domestic violence. They are not very pretty words. In fact, I would go so far as to say they are revolting words. Domestic violence is a topic most people would rather not discuss. As one person once put it, "it's a private matter." But maybe it shouldn't be private. Maybe if more people discussed it, more people would experience it less. That seems to be at least part of the reason for this book, *I Am Not Your Victim*.

*I Am Not Your Victim* is written by domestic abuse survivor, Beth Sipes. In this book she recounts all that she went through before, during and after the abuse. Ms. Sipes describes the terror and horror of discovering what she had married - a man she did not know and could not get away from. With three children, and others lost in miscarriage, declining health, no job - what could she do. After 17 years of marriage and abuse, Beth Sipes did the only thing she felt she could do to escape the horror - she killed the person causing all of her anguish and nightmares. Though ultimately

exonerated of all charges, she still faced a long struggle to rebuild the lives of herself and her children.

Initially written as an assignment from her defense attorney, *I Am Not Your Victim* is a beautifully written story of one woman's struggle to recapture her life from the horror of abuse. In the pages following her story, others involved in her case give further information on domestic abuse. From her counselor to her defense attorney to those involved in groups trying hard to end domestic abuse (an uphill battle at best), statistics, perspectives and advice are provided to help the reader try to understand what is happening.

It is a powerful, heart-wrenching story that I highly recommend to anyone. If this book is insufficient, or you need more information, please see the other books that we have available: *Domestic Violence: The Changing Criminal Justice Response*, Auburn House (HV6626 .D67 1992); *Family Violence: Improving Court Practice*, National Council of Juvenile and Family Court Judges (KF505.5 .F35 1990); *Family Violence: Prevention & Treatment*, Sage Publications (HV6626.U5 F344 1993) to mention just a few.

Ok, I am sufficiently depressed. How about you? Depressing as it is, domestic violence is a topic that deserves more attention. That said, let us move on to something less heavy.

**Robinson, Judith Schiek. *Tapping the Government Grapevine: The User-Friendly Guide to U.S. Government Information Sources*, 3<sup>rd</sup> ed. Oryx Press, 1998.**

Government information. Do you know where to find it? The Internet would be a good guess (as well as your local library!), but do you know *where* on the Internet? The Internet is a big place, and getting bigger everyday. On the conservative side, I would say I have found at least ten

different search engines. But which one do you use? And who has the time to wade through all of the sites that even one search engine would return? Too much!

Well, let me help you out. Actually, Judith Schiek Robinson has helped you out. *Tapping the Government Grapevine* is a wonderful book meant to be "a guided tour of the government information landscape." She provides a wealth of information on where to find things (and not just on the Internet, but in other arenas as well), potential pitfalls, search strategies and more. Developed for "librarians, library school students, researchers, butchers, bakers, candlestick-makers," *Tapping the Government Grapevine* provides a multitude of information to anyone and everyone who needs it. She even provides exercises for those that wish to put their new-found knowledge to the test.

*Tapping the Government Grapevine* is a well-written, easy to understand, book on finding government information. If you have any need for such information, even on an ad hoc basis, I really suggest that you get this book for yourself - you will save yourself a lot of time. But if you happen to be in the library and one of our spectacular librarians or assistants happens to be busy, you can find the book yourself at Z1223.Z7 R63 1998 (third floor, folks!). That headache you feel coming on at the thought of looking for anything government related will magically disappear.

## □ Article Reviews

**Bassett, Dominica M. "Medical Use and Prescription of Schedule I Drugs in Arizona: Is the Battle Moot? 30 *Arizona State Law Review* 441 (Summer 1998)**

This article provides a legislative review of Proposition 200 and examines the provisions of the proposition and the corresponding

actions of the legislature. In the 1996 general election, sixty-five percent of the voters approved Proposition 200, the Drug Medicalization, Prevention and Control Act of 1996. The Act permits the medical use, with physician prescription, of Schedule I drugs such as cocaine, heroin and marijuana to treat or relieve the pain and suffering of very seriously or terminally ill patients. The intent of the drafters of Proposition 200 was to aid in the recognition of drug abuse as a public health problem and to treat the abuse as a disease.

For first time drug offenses committed after the Act's passage, Proposition 200 reduces the criminal penalties and increases the penalties for violent drug offenses. It creates a Drug Treatment and Education fund which covers the cost of placing offenders in programs and establishes an Arizona Parents Commission on Drug Education and Prevention designed to get parents involved in drug and alcohol education programs.

In the Arizona general election, on November 5, 1998, there is a referendum on the ballot to modify the language of Proposition 200. If this referendum passes, doctors cannot prescribe, and patients cannot use Schedule I drugs until the federal government approves medical use of marijuana and reschedules the drug. If the referendum fails, the original form of the law in 1996 with the conditional enactment of the medical use and prescription of Schedule I stands.

The article has an overview of the federal law explaining the Marijuana Tax Act of 1937, which imposed a registration tax on the doctors prescribing the drug, and the Federal Controlled Substances Act (CSA) of 1970. The overview describes how federal preemption of state law is determined. Arizona Proposition 200 is analyzed and shown to be preempted in three of the four ways depicted.

The last part of this article has a discussion of the recent litigation of California's Proposition 215, titled the Compassionate Use Act of 1996, which does not conflict with federal prohibition on physician prescriptions for marijuana. The language and presentation of California's Proposition 215 is compared to Arizona's Proposition 200. The article's conclusion discusses the Arizona proponent's campaign concerns, such as attempts made by the Arizona legislature to solve the conflict between the federal and state, and the big question on how physicians can prescribe marijuana to patients without getting prosecuted. Following this article is an Appendix containing Proposition 200 as it will appear on the ballot in November.

**Dodge, David D. "When Your Client Wants to Lie. How to Protect Yourself, Your Client, and the Judicial System." 35 *Arizona Attorney* 12 (August/September, 1998).**

[www.azbar.org/ArizonaAttorney/Aug-Sept98/89-98a1.asp](http://www.azbar.org/ArizonaAttorney/Aug-Sept98/89-98a1.asp)

It is a situation every attorney dreads finding themselves in: knowing that their client plans to lie during the course of a trial. Putting aside personal ethics, this article takes a look at the Arizona Rules of Professional Conduct and outlines the steps an attorney must take in this situation. Dodge begins by detailing the four primary rules that guide attorneys in this position: ER 1.2, ER 1.6, ER 1.16, and ER 3.3. Although there may be times when it seems impossible to follow these rules to the letter, as they may lead to conflicting duties, how an attorney handles this balancing act is critical to avoiding a disciplinary proceeding.

The article continues by exploring how the rules should be applied in both civil and criminal contexts. For example it is almost uniformly agreed upon that an attorney should try and persuade a client not to commit perjury, in either a civil or a criminal



matter. However, should the attorney consider the option of disclosing the perjury to the court, the effect may be different for those handling civil rather than criminal matters.

Dodge continues through the rules discussing what is likely to happen to an attorney who follows that particular injunction. The article then moves on to describe some of the ethical rulings and cases that have been decided in Arizona and the Ninth Circuit regarding perjury. The case of *State v. Lee*, 142 Ariz. 210, 689 P.2d 153 (1984) resulted in guidelines for attorneys who have a witness they suspect will lie under oath.

The article concludes by describing several 'safe harbors' that attorneys can use until the Supreme Court promulgates more detailed rules. Dodge presents attorneys with what he believes is the safest path through the shark infested waters of clients who are considering committing perjury.

## **The Briefcase: Recent Court Decisions**

### **□ Federal**

#### ***Thomas v. Borg*, 97-16866 (9<sup>th</sup> Circuit, September 16, 1998)**

Rodney Thomas, a black man, was convicted of rape, sodomy and false imprisonment by an all-white jury. He was found guilty and received a sentence of 59 years in prison by a jury in Kern County, California. Prior to the trial, prospective jurors had undergone standard screening procedures and those who said they would face financial hardship due to jury duty were excused. There was no challenge to the composition of the jury by defense counsel.

After alleging "deprivation of his Sixth and Fourteenth Amendment rights to a trial by a jury drawn from a representative cross-section of the community," the defendant's conviction was affirmed on direct appeal. The California Supreme Court has held the "hardship deferral and excuse policies are neutral with respect to race." The California Supreme Court also denied his petition for a writ of habeas corpus based upon ineffective assistance of counsel.

From there, the defendant filed a federal habeas corpus petition and was allowed to conduct discovery of census data to determine the racial make-up of Kern County. The state's motion for summary judgment was subsequently granted by the District Court.

In affirming the District Court, the 9<sup>th</sup> Circuit Court of Appeals ruled that by excusing potential jurors for financial hardship, the defendant's right to a representative jury was not violated. The defendant could not provide the statistical data needed to prove the "absolute disparity test" which the 9<sup>th</sup> Circuit uses in determining underrepresentation. In applying the absolute disparity test, the Court

takes the percentage of the group at issue in the total population and subtracts from it the percentage of that group that is represented on the master jury wheel. Thomas could only state that he observed no blacks on the jury that found him guilty.

As far as the defendant's claim of ineffective assistance of counsel, the court was quick to point out that both the testimonial and physical evidence against the defendant was "so overwhelming that it is hard to believe that any reasonable juror, black or white, would have voted to acquit him." Thomas could not show that he was prejudiced by his counsel's errors or that the performance of his counsel "fell below an objective standard of reasonableness."

### **□ Arizona**

#### ***Van Emmerick v. Colosi*, 276 Aiz. Adv. Rep. 33 (1998)**

In a case of first impression and of statewide interest, the Arizona Court of Appeals has ruled that a dissolution of marriage action must be dismissed when one of the spouses dies.

In 1997, Jerry Todd initiated proceedings to divorce his wife, Kathy Jo Todd. As in all dissolution actions, a preliminary injunction was issued. Despite the injunction, Mr. Todd allegedly transferred a substantial amount of property to the petitioner, Linda Van Emmerick. Prior to the entry of the Decree of Dissolution, Mr. Todd died naming the petitioner as the beneficiary of his will. The trial court denied a motion to dismiss and continued the divorce proceedings substituting the personal representative for the deceased Mr. Todd. The personal representative filed a petition in the probate court which was subsequently consolidated with the divorce action. The petitioner, Van Emmerick, felt that her "residuary estate" - that portion of the estate

that would be left over after all other debts and expenses were paid - was vanishing as a result of the divorce proceedings. For the foregoing reason, this petition for special action was filed.

The Court of Appeals agreed with the petitioner and in a short concise opinion, stated that "the purpose of a dissolution action is to extinguish the marital community. Death accomplished the same goal. Thus, a dissolution action necessarily abates with the death of a spouse." The trial court was directed to dismiss the dissolution matter "in favor of the probate action."

## □ Other States

### ***Ireland v. Ireland*, 246 Conn. 413 (August 18, 1998)**

The marriage of Irene (petitioner) and James (respondent) Ireland was dissolved in 1990. The decree awarded the parties joint custody of their minor son with primary physical custody to the petitioner. The respondent was awarded visitation with his son every other weekend. In 1995, the petitioner remarried and informed the respondent of her intention to move to California where her new husband had accepted a job. The respondent then filed a motion to enjoin the petitioner from leaving the state with the child. It should be noted that Connecticut has no statute governing relocation in custody matters.

After a three day trial, the respondent's motion to enjoin was granted. Stating that relocation cases must be "viewed on a case-by-case basis," the trial court ruled that "the burden of establishing the benefits of the move must rest with the relocating parent." The petitioner appealed the trial court's decision and argued that by placing the burden on her, the court created an "inherent presumption in favor of the noncustodial parent that relocation is not in the child's best interests." The

appellate court upheld the trial court's decision which led the petitioner to file this appeal with the Connecticut Supreme Court.

Overturning the appellate court, the Connecticut Supreme Court stated that it does recognize that "a growing number of states now presume, however, that the custodial parent's good faith decision to relocate is in the best interests of the child."

Furthermore, the court continued, "a custodial parent seeking permission to relocate bears the initial burden of demonstrating, by a preponderance of the evidence, that (1) the relocation is for a legitimate purpose, and (2) the proposed location is reasonable in light of that purpose." Once the parent who wishes to relocate makes such a showing, the burden shifts to the other parent to "prove, by a preponderance of the evidence, that the relocation would not be in the best interests of the child."

On remand, the trial court was ordered to apply "the shifting burden of proof scheme" as set out in the Supreme Court's opinion.

## □ News From Other Jurisdictions

First they went after a book publisher and now the Texas Supreme Court is accusing a computer program of practicing law without a license. In what appears to be an all out effort to protect lawyers from "unaccredited competitors," Parsons Technology is the latest target of the Unauthorized Practice of Law Subcommittee of the Texas high court. Parsons markets the *Quicken Family Lawyer*, a software program which allows users to draft such documents as wills and leases. Another section of the Quicken program, *Ask Arthur Miller*, lets users ask a variety of questions from "how do I choose a lawyer" to "can I afford to buy a house?" (Arthur Miller, by the way, is a famous Harvard professor.) Says the

chair of the Unauthorized Practice Subcommittee, "[I]f that isn't dispensing legal advice, what is?"

The case of the "lawyer in a box" may go to trial as early as December.

## "Did You Know?" Answers

1. New York, from which thirteen Justices have come.
2. Justice Stephen J. Field was suspended from the California bar in 1850 as a result of a dispute with a state judge.
3. Chief Justice Roger B. Taney. His predecessors had always given judgment in knee breeches.
4. Justice Samuel Chase was impeached in 1805. His acquittal, writes Chief Justice Rehnquist, "assured the independence of federal judges."
5. Justice William H. Rehnquist.
6. Justice Oliver Wendell Holmes. After wrote an opinion that made Roosevelt furious, "Roosevelt complained that he could carve out of a banana a judge with more backbone than that."

Taken from *A Book of Legal Lists*, by Bernard Schwartz.

The World Wide Web provides unrivaled physical availability of documents, yet, physical availability of documents is not the same as accessibility... A rather more antique technology provides a model for improving accessibility. The book jacket on an academic book provides a user-centered access mechanism.

O'Connor, Brian and Mary O'Connor. "Book Jacket as Access Mechanism: An Attribute Rich Resource for Functional Access to Academic Books." *first monday*, v.3, no.9 (September 7, 1998)  
[www.firstmonday.dk/issues/issue3\\_9/o'connor/](http://www.firstmonday.dk/issues/issue3_9/o'connor/)

## □ Recently Received Books

*Advanced Seminar on Copyright Law, 1998*  
Practising Law Institute  
KF2995 .A347 1998

*Advanced Seminar on Licensing*

*Agreements*  
Practising Law Institute  
KF3145.Z9 A38 1998

*Advanced Seminar on Trademark Law, 1998*  
Practising Law Institute  
KF3180.Z9 A47 1998

*All Our Families*  
Oxford University Press  
HQ536 .E88 1998

Allen, Francis A.  
*The Habits of Legality*  
Oxford University Press  
KF9223 .A934 1996

*Anti-Gay Rights: Assessing Voter Initiatives*  
Praeger  
HQ76.8.U5 A67 1997

Armor, David J.  
*Forced Justice: School Desegregation and the Law*  
Oxford University Press  
KF4155 .A87 1995

*The Autonomy of Law*  
Oxford University Press  
K331 .A95 1996

*Avoiding and Litigating Sexual Harassment Claims, 1998*  
Practising Law Institute  
KF3467.Z9 A87 1998

Azrieli, Avi  
*Your Lawyer on a Short Leash: A Survivor's Guide to Dealing with Lawyers*  
Transnational Publishers  
KF311.Z9 A97 1997

Baldassare, Mark  
*When Government Fails: The Orange County Bankruptcy*  
University of California Press  
HJ3835.C3 B35 1998

Barnhizer, David  
*The Warrior Lawyer: Powerful Strategies for Winning Legal Battles*  
Bridge Street Books  
K120 .B37 1997

*Basic Community Cases, 2nd ed.*  
Oxford University Press  
KJE945 .B37 1997

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